Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Telephone Number Portability	)	CC Docket No. 95-116

REPLY COMMENTS

Sprint Corporation, on behalf of Sprint Communications Company, L.P. and the United and Central Telephone Companies, hereby respectfully submits its reply to comments filed March 29, 1996. These comments addressed the impact of the Telecommunications Act of 1996 on issues raised in the Commission's July 1995 NPRM in the above-captioned proceeding.

The majority of commenting parties point out that the 1996 Act gives the Commission the authority and responsibility to manage the implementation of a "technically feasible" system of true local number portability. They demonstrate that the Location Routing Number (LRN) proposal satisfies the number portability requirements in the 1996 Act and the settled criteria for a true local number portability solution, and therefore urge the Commission to mandate implementation of LRN by a date certain.[1] Several parties also describe the progress made in various state number portability proceedings. This work shows that it is entirely reasonable for the Commission to mandate the phased

[1] *See, e.g.*, Sprint, pp. 2-3; ALTS, p. 6; AT&T, p. 2; California Cable Television Association (CCTA), pp. 3-6; Cox, p. 5; Interactive Services Association (ISA), p. 2; MCI, pp. 3-5; MFS, p. 3; NCTA, p. 4; NY Dept. of Public Service, p. 1; Teleport, pp. 6-8; Ameritech, pp. 3, 7-9.

implementation of a nationwide system of true local number portability beginning the third quarter of 1997.[2]

Despite the clear requirement under the 1996 Act that the Commission adopt rules implementing true local number portability, and the obvious public interest benefits of such a system, several LECs continue to urge delay in the implementation of true portability. Bell Atlantic, BellSouth, Nynex, Pacific, SBC, GTE, and USTA all claim that it is still premature to adopt a permanent solution. These parties either deny that LRN is technically feasible, or attempt improperly to link "technical feasibility" with "economic feasibility." Pacific and GTE further recommend that each individual LEC be allowed to implement whatever portability solution they choose, raising the possibility of multiple portability architectures across the country. As shown below, these arguments and recommendations are without merit, and are simply unfounded excuses to delay implementation of a system which will help open up the monopoly local exchange market to competition.

1. A True Local Number Portability Solution (LRN) Exists and Is Technically Feasible.

Several BOCs and GTE allege that no technically feasible permanent local number portability solution has yet been identified or agreed upon.[3] They claim that there remain some outstanding issues related to cost recovery, call processing flows,

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[2] *See, e.g.*, Sprint, p. 3; AT&T, p. 3; Cox, p. 8; MCI, p. 6; Ameritech, p. 3.

[3] *See, e.g.*, Bell Atlantic, p. 2; BellSouth, p. 7; Nynex, p. 3; Pacific, p. 8; SBC, p. 2; GTE, pp. 4-7.

software development and testing, and back office (ordering, provisioning, etc.) administration. They recommend further study into the alternative local number portability solutions; BellSouth (p. 8) and GTE (p. 10) would have an industry group report back to the Commission in 12 months and the first quarter of 1998, respectively.

These LECs acknowledge, as they must, that all of the states which have adopted a permanent local number portability solution have chosen LRN on the recommendations and best judgment of industry subject matter experts. As Sprint and other parties noted, several switch vendors have committed to delivering LRN software upgrades by the second quarter of 1997 in order to meet Illinois' mandated third quarter 1997 local number portability implementation date, and Sprint is aware of no current jeopardies to either date. Sprint's local and long distance division personnel are continuing to analyze network needs and thus far have found no reason to believe that LRN is not technically feasible. Indeed, Ameritech has stated that it is "prepared to promptly implement the same architecture [LRN] in other states" besides Illinois (p. 3).

Apparently, however, GTE and the BOCs listed above want every necessary piece of hardware installed; every software patch designed, tested and installed; every cost computed; every cost recovery decision made; and every operational issue resolved before any decision on a national portability solution is made. This approach is obviously unworkable and goes far beyond any reasonable definition of "technical feasibility." No carrier

will deploy the hardware and software needed for a local number portability solution without knowing what the mandated solution will be. Furthermore, it is impossible to resolve every conceivable operational and regulatory issue before making a decision about what permanent solution to adopt; indeed, many of the issues which will need to be addressed will depend upon the local number portability solution chosen.[4] The BOCs and GTE do not explain why a third quarter 1997 implementation date is insufficient to resolve outstanding technical and operational details, and there is no reasonable basis for accepting the delays suggested by these parties.[5] If the Commission were to wait as long as these BOCs and GTE recommend, it risks ceding its authority and abrogating its responsibility under the 1996 Act to direct a seamless nationwide system of true local number portability.

LECs which are reluctant to open their local franchise to competition should not be allowed to delay indefinitely the implementation of a system of true local number portability. GTE and the BOCs listed above have failed to prove that LRN is technically infeasible, and the Commission should accordingly estab-

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[4] For example, total cost will depend in large part on the pace and geographic scope of deployment.

[5] In fact, there is no assurance that GTE and the several BOCs urging delay will feel that the time is ripe to make a decision on true local number portability even after their recommended "further study" has been completed.

lish a date certain for deployment of LRN and strictly monitor the implementation process.[6]

2. The Act Requires Technical, Not Economic, Feasibility.

The 1996 Act explicitly states that all LECs have the "duty to provide, *to the extent technically feasible*, number portability in accordance with requirements prescribed by the Commission" (Section 251(b)(2), emphasis added). The Act does *not* state that the Commission should develop its requirements based upon economic feasibility. Nonetheless, some parties attempt to improperly link technical and economic feasibility. GTE, for example, states that "cost and timing considerations cannot be separated from the concept of technical feasibility" (pp. 4-5); SBC urges the Commission to "consider the principle[] of ... cost/benefit in its adoption of rules" (p. 2, n. 4); USTA states that the Commission's rules "should permit a LEC sufficient time to implement the long-term solution in a cost-effective manner" (p. 4); and OPASTCO goes so far as to state that the Commission "should not require a small LEC to upgrade or modify its network in order to provide number portability" (p. 6).

Any attempt to make economic feasibility a subset of the technical feasibility requirement should be rejected. The Act is clear on this point, and there is no basis for allowing LECs an

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[6] The Commission should also dismiss any claims that there is no immediate need to adopt a permanent portability solution because of the availability of interim "solutions" such as remote call forwarding or direct inward dialing. These interim measures are technically inferior and provide the incumbent LEC with enormous competitive advantages, and therefore do not adequately promote competition in the local market.

additional excuse for further delaying implementation of true local number portability. As Teleport correctly points out (p. 4), "in passing the Act, Congress itself determined that the benefits of permanent [service provider number portability] outweighed the costs," and therefore no further analysis of the relative costs and benefits by the Commission, incumbent LECs, or any other party is warranted. In any event, in cases of genuine hardship and special circumstances, a LEC always has the option of requesting a waiver of the Commission's rules.

3. A Uniform, Nationwide Portability Solution Should Be Adopted.

At least two LECs, Pacific (p. 1) and GTE (p. 2), urge that individual LECs be allowed to choose whatever local number portability solution they wish. This recommendation should be rejected. Except for LRN, none of the local number portability solutions proposed to date satisfies the criteria for an acceptable solution (*e.g.*, that it be competitively neutral, use numbering resources efficiently, etc.). Furthermore, the risks of incompatibility increase with multiple portability architectures. As Bell Atlantic notes (p. 2), several of the permanent local number portability solutions which have been offered "appear to be technologically incompatible." At a minimum, multiple solutions require additional resources to develop interface specifications and interoperability standards.[7] There would seem to be few if any benefits to

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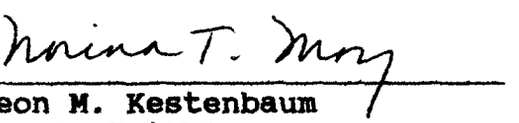
[7] *See, e.g.*, Sprint, p. 4; CCTA, p. 7; Teleport, p. 6.

allowing multiple solutions, but substantial costs. Therefore, the Commission should mandate a uniform nationwide permanent local number portability solution.

Respectfully submitted,

SPRINT CORPORATION



Leon M. Kestenbaum
Jay C. Keithley
Norina T. Moy
1850 M St., N.W., Suite 1110
Washington, D.C. 20036
(202) 857-1030

April 5, 1996

CERTIFICATE OF SERVICE

I, Joan A. Hesler, hereby certify that on this 5th day of April, 1996, a true copy of the foregoing **"REPLY COMMENTS OF SPRINT"** was sent via First Class Mail, Postage Prepaid, or Hand Delivered, upon each of the parties listed below.

Joan A. Hesler

Regina Keeney*
Chief, Common Carrier Bureau
Federal Communications Comm.
1919 M Street, N.W.
Room 500
Washington, D.C. 20554

Policy and Planning Division**
Room 544
Federal Communications Comm.
1919 M Street, N.W.
Washington, D.C. 20554

Matthew Harthun*
Policy Division
Federal Communications Comm.
Room 544
Washington, D.C. 20554

International Transcription Service*
1919 M Street, N.W.
Washington, D.C. 20554

Werner Hartenberger
J.G. Harrington
Dow Lohnes & Albertson
1200 New Hampshire Ave., N.W.
Suite 800
Washington, D.C. 20036

Carl Northrop
AirTouch Paging/Arch Comm.
1299 Pennsylvania Ave., N.W.
10th Floor
Washington, D.C. 20005

Richard Metzger
ALTS
1200 19th Street, N.W.
Suite 560
Washington, D.C. 20036

Mark Rosenblum
Roy Hoffenger
Clifford Williams
AT&T
Room 3244J1
295 No. Maple Avenue
Basking Ridge, NJ 07920

Alan Gardner
Jennifer Johns
CCTA
4341 Piedmont Avenue
Oakland, CA 94611

John Scott
Crowell & Moring
1001 Pennsylvania Ave., N.W.
Washington, D.C. 20004

David Gudino
GTE
1850 M Street, N.W.
Suite 1200
Washington, D.C. 20036

Edwin Lavergne
Darren Nunn
Ginsberg, Feldman & Bress
1250 Connecticut Ave., N.W.
Washington, D.C. 20036

Loretta Garcia
Donald Elardo
MCI
1801 Pennsylvania Ave., N.W.
Washington, D.C. 20006

Andrew Lipman
Mark Sievers
Swidler & Berlin
3000 K Street, N.W., Suite 300
Washington, D.C. 20007

Paul Rodgers
Charles Gray
James Ramsey
NARUC
1102 ICC Bldg.
P.O. Box 684
Washington, D.C. 20044

Lisa Zaina
OPASTCO
21 Dupont Circle, N.W.
Suite 700
Washington, D.C. 20036

Maureen Helmer
NYS DPS
3 Empire State Plaza
Albany, NY 12223

Daniel Brenner
Neal Goldberg
David Nicoll
NCTA
1724 Massachusetts Ave., N.W.
Washington, D.C. 20036

James Hobson
Donelan, Cleary, Wood
& Maser
1100 New York Avenue, N.W.
Suite 750
Washington, D.C. 20005

Mark O'Connor
Piper & Marbury
1200 19th Street, N.W.
7th Floor
Washington, D.C. 20036

J. Manning Lee
Teleport Communications Corp.
2 Teleport Drive, Suite 300
Staten Island, NY 10311

Mark Golden
PCIA
500 Montgomery Street
Suite 700
Alexandria, VA 22314

Mary McDermott
Linda Kent
Charles Cosson
USTA
1401 H Street, N.W.
Suite 600
Washington, D.C. 20005

Deborah Haraldson
NYNEX
1095 Avenue of the Americas
New York, NY 10036

Marilyn Ard
Nancy Woolf
Pacific Bell
140 New Montgomery Street
Room 1523
San Francisco, CA 94105

John Goodman
Bell Atlantic
1133 20th Street, N.W.
Washington, D.C. 20036

Larry Peck
Frank Panek
Ameritech
Room 4H86
2000 W. Ameritech Ctr. Drive
Hoffman Estates, IL 60196

James Ellis
David Brown
SBC Communications
175 East Houston
Room 1254
San Antonio, TX 78205

Robert Sutherland
Theodore Kingsley
BellSouth
Suite 1700
1155 Peachtree Street, N.E.
Atlanta, GA 30309

Dan Poole
Jeffrey Bork
U.S. West
1020 19th Street, N.W.
Suite 700
Washington, D.C. 20036

Gene Belardi
Mobile Media Communications
2101 Wilson Boulevard
Suite 935
Arlington, VA 22201

* Hand Delivered
** 2 Copies Hand Delivered